

ENTERED

February 18, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SANTANDER BANK, N.A.,

Plaintiff,

v.

RONALD J. LILLARD, *et al.*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:24-CV-00069

ORDER ADOPTING MEMORANDUM & RECOMMENDATION


Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 52). The M&R recommends that the Court deny Defendants' motions to dismiss. *Id.* at 1. The M&R also recommends that the Court terminate Defendant Martinez's motion to dismiss, (D.E. 15), as a pending motion subject to reinstatement and consideration after the bankruptcy stay has been lifted. *Id.* at 1, n.1.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 52). Accordingly, the Court

DENIES Defendants' motions to dismiss, (D.E. 17; D.E. 29), and **ORDERS** the Clerk of Court to terminate Defendant Martinez's motion to dismiss, (D.E. 15), as a pending motion subject to reinstatement and consideration after the bankruptcy stay has been lifted.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas
February 18, 2025